

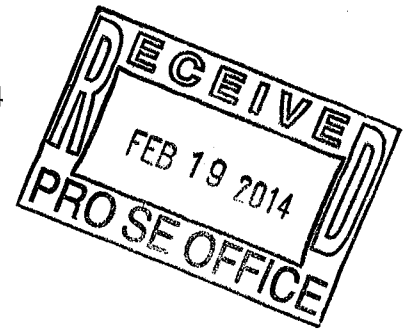
The Hon. Kevin N. Fox, U.S.M.J.
Thurgood Marshall
United States Courthouse,
Room 228
40 Foley Square
New York, NY 10007

HICHAM AZKOUR
93 Pitt Street,
Apt. No. 3B
New York, NY 10002

Email: hicham.azkour@gmail.com

February 19, 2014

Hand Delivered



Re: *Azkour v. Haouzi, et al.*, 11-cv-5780 (RJS)(KNF)

Dear Judge Fox:

On February 13, 2014, this Court held a conference to address my complaints concerning Defendants' failure to produce documents and their evasive answers to my requests for admission. Moreover, the Court held said conference to address my complaint about Defendants' failure to renew and supplement their disclosure statement as per Rule 7.1(b)(2) of the Federal Rules of Civil Procedure.

The Court ordered that I file, no later than March 13, 2014, a motion to compel pursuant to Rule 37 of the Federal Rules of Civil Procedure. Consequently, I cancelled a deposition scheduled for February 14, 2014 for the purpose of orally examining defendant Jean-Yves Haouzi as *Chief Executive and Operating Officer of Little Rest Twelve, Inc.*

During the conference, counsel to Defendants objected to the renewal and/or supplementation of the disclosure statement and was quick to request this Court's permission to release defendant Jean-Yves Haouzi. Counsel did not, at any time during the conference, communicate to this Court that defendant Haouzi was not *the actual* Chief Executive and Operating Officer of Little Rest Twelve, Inc. He also declined to inform the Court that defendant Haouzi does not own 15% of Little Rest Twelve, Inc.

As shown by EXHIBIT A, attached hereto, Martin H. Kaplan, Esq., the Managing Partner of the firm Gusrae Kaplan Nusbaum PLLC ("GKN"), which is representing

defendant Little Rest Twelve, Inc. in an unrelated matter¹ pending before Justice Marcy S. Friedman of the New York State Supreme Court, affirms, under the penalty of perjury, that pursuant to “the Court’s directive during the oral argument on February 6, 2014, enclosed herein is a true and complete copy of the conflict letter executed by LR12’s CEO Bogdan Mykhalus which memorializes in writing LR12’s waiver of any actual or potential conflict of interest that might arise out of GKN’s simultaneous representation of the entity and the third party defendants.”

This Court is made aware that GKN also represents the two attorneys who briefly entered their appearance and withdrew it in the FLSA Action, namely Martin Russo, Esq. and Sarah Khurana, Esq.

A few days before the aforementioned conference, I received a letter from counsel to Defendants dated January 16, 2014. This letter does not bear the signature of Andrew Sal Hoffmann, Esq. See EXHIBIT B. If the Court compares this letter to the one at EXHIBIT C, which is also dated January 16, 2014², **it will become clear that the signature was forged**³. My assumption – and this is a high possibility – that Mr. Hoffmann did not want the letter at EXHIBIT B, which confirms the production of defendant Haouzi for deposition, to bear his signature because he had prior knowledge that defendant Haouzi was no more the actual Chief Executive Officer of Little Rest Twelve, Inc. and any reference to him as an officer or owner will constitute perjury. Indeed, Mr. Kaplan, in his letter to Mr. Mykhalus, dated February 11, 2014 (just two days before our conference), see EXHIBIT A, refers to a conversation that occurred between him and Mr. Mykhalus, as *Chief Executive Officer of Little Rest Twelve, Inc.*, in the summer of 2013 regarding a possible conflict of interests in his firms’ representation of Martin Russo, Esq. and Sarah Khurana, Esq. It is clear that Mr. Hoffmann has always had knowledge of this suspicious management and ownership change.

During the February 13, 2014 conference, I also complained to the Court that the “scraps of paper” provided to me by counsel were *curiously* not certified by the Chief Executive Officer of Little Rest Twelve, Inc., who was to my knowledge defendant Haouzi. It is now clear that they were not certified because counsel to Defendants did not want this Court to acquire any knowledge as to the change in management and ownership.

¹ See *Little Rest Twelve, Inc. v. Nina Zajic, et al.*, Index No. 650209/2010.

² I received this letter about ten days before the EXHIBIT B letter, which was ante-dated and which also indicates that there was a sort of hesitation as to whether sign it or not. In the end, whoever signed the letter forged the signature of Mr. Hoffmann.

³ I inspected all the pleadings signed by Mr. Hoffmann and not a single one of them bears the strange signature which was used on the January 16, 2014 letter.

Mr. Hoffmann, the Court is reminded, did not contest my assertion during the conference that defendant Haouzi does not live in New York anymore and is presently living permanently in Paris, France. In fact, during my November 26, 2013 deposition, Mr. Hoffmann stated to me that defendant Haouzi has moved to Paris in the first months of 2013, immediately after the shutdown of Ajna Bar. In addition to this fact, counsel did not contest my assertion to this Court that, according to the New York State Liquor Authority, *see EXHIBIT D*, the Principal's Name in the Liquor License assigned to Little Rest Twelve, Inc. is the name of the new Chief Executive Officer, Mr. Bogdan Mykhalus and Grosvenor Trading House, Ltd⁴.

For the reasons set forth above, I respectfully request that this Court schedule a hearing as soon as practicable to inquire as to why counsel to Defendants forged the signature on the letter dated January 16, 2014 and, in bad faith, concealed essential facts to mislead this Court.

I also respectfully request that this Court authorize the issuance of a subpoena *duces tecum* to compel non-party GKN to produce all documents and digitally stored material in their possession and disclose all Defendants' assets in the United States and overseas.

The Court is now aware that there is enough evidence to believe that Mr. Hoffmann, his clients, attorneys from GKN, and Ms. Inna Gudvadze have been engaged in a conspiracy to defraud me of my wages⁵. I now have no other option but to bring another civil action against them all if subpoena is not issued or both FLSA Action and the Civil Rights Action are not promptly resolved.

This Court is informed that I renewed and submitted a mandamus petition to the U.S Court of Appeals for the Second Circuit.

⁴ Upon information and belief, this company owns 85% of Little Rest Twelve, Inc.

⁵ No reasonable person would ever understand why such a simple controversy about wages has been pending for four years now.

Respectfully submitted,

By: HICHAM AZKOUR, pro se


A handwritten signature in black ink, appearing to be 'Hicham Azkour', written over a horizontal line.

EXHIBIT A

GUSRAE KAPLAN NUSBAUM PLLC
 120 WALL STREET
 NEW YORK, NEW YORK 10005
 TEL: (212) 269-1400
 FAX: (212) 809-5449
*Attorneys for Plaintiff Little Rest Twelve, Inc. and
 Third-Party Defendants Russo, Kruzhkov and Khurana*

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK

-----X
 LITTLE REST TWELVE, INC.,

Plaintiff,

-against-

NINA ZAJIC, JOESPH KAY, DAVID KAY,
 JOSEPH GIL AND THOMAS GIGLIO

Defendants.

-----X
 NINA ZAJIC, JOSEPH KAY and DAVID KAY,

Third Party-Plaintiffs,

-against-

MARTIN RUSSO, MARLEN KRUKHOV, and
 SARAH KHURANA

Third Party-Defendants.

-----X

MARTIN H. KAPLAN, ESQ., an attorney admitted to practice before the Courts of the State of
 New York, affirms the following under penalty of perjury:

1. I am the Managing Partner of the firm Gusrae Kaplan Nusbaum PLLC ("GKN"),
 attorneys for plaintiff Little Rest Twelve, Inc. ("LR12") and third party defendants Martin Russo,
 Esq., Marlen Kruzhkov, Esq. and Sarah Khurana, Esq.

2. On February 6, 2014, the Court held oral argument with respect to the motions to dismiss in this action (Motion Sequence 003, 004, and 005).

3. Pursuant to the Court's directive during the oral argument on February 6, 2014, enclosed herein is a true and complete copy of the conflict letter executed by LR12's CEO Bogdan Mykhalus which memorializes in writing LR12's waiver of any actual or potential conflict of interest that might arise out of GKN's simultaneous representation of the entity and the third-party defendants.

Dated: New York, New York
February 17, 2014

A handwritten signature in black ink, appearing to read 'M. Kaplan', with a long horizontal line extending to the right.

Martin H. Kaplan, Esq.

GUSRAE KAPLAN NUSBAUM PLLC

ATTORNEYS AT LAW

DAVID A. GEHN
SCOTT H. GOLDSTEIN
MARTIN H. KAPLAN
MARLEN KRUSHKOV**
LAWRENCE G. NUSBAUM
MARTIN P. RUSSO

120 WALL STREET-25TH FLOOR
NEW YORK, NEW YORK 10005
TEL (212)269-1400
FAX (212)809-5449

OF COUNSEL
ROBERT L. BLESSEY

81 MAIN STREET-SUITE 215
WHITE PLAINS, NEW YORK 10601
(914)644-8323

** MEMBER NY AND NJ BAR

www.gusraekaplan.com

February 11, 2014

By Hand

Mr. Bogdan Mykhalus
Chief Executive Officer
Little Rest Twelve, Inc.
416 13th Street, Room 1
New York, New York 10014

RE: CONFLICT WAIVER

Little Rest Twelve, Inc. v. Nina Zajic, et al., Index No. 650209/2010

Dear Mr. Mykhalus:

Gusrae Kaplan Nusbaum PLLC ("GKN") represents Little Rest Twelve, Inc. ("LR12") as the plaintiff in the above-referenced action. As we have discussed since last summer, the Defendants in the action have filed third-party claims against GKN attorneys Martin Russo, Sarah Khurana and Marlen Krushkov (the "Named Attorneys"). This letter is to confirm that LR12 requested that GKN continue to represent the company in this action despite the third-party claims, and to formally memorialize the company's waiver of any actual or potential conflict of interest arising out of the simultaneous representation of LR12 and the Named Attorneys.

LR12 was provided with a copy of the third-party claims directed against the Named Attorneys at the time they were filed, and a representative of LR12 discussed them with GKN. We have explored with you the facts and theories of liability in this case, including the facts alleged in LR12's claims, the counterclaims against LR12, and the third-party claims against the Named Attorneys. That discussion included the material risks associated with GKN's simultaneous representation of LR12 and the Named Attorneys in light of the circumstances, and the reasonably available alternatives to such representation. We also discussed the fact that there is no direct or indirect claim between LR12 and the Named Attorneys. Finally, we have shared with you our opinion that the claims against the Named Attorneys

Bogdan Mykhalus
February 11, 2014
Page 2

have no basis, and that we believe that they were brought tactically in an attempt by the Defendants to dissuade GKN from prosecuting LR12's claims.

After discussing the matter, you and GKN do not perceive conflicting or differing interests between or among the clients that would preclude GKN from simultaneously representing LR12 and the Named Attorneys. GKN has concluded in its professional judgment that the requirements of Disciplinary Rule 5-105 are satisfied and, consequently, a simultaneous representation is permissible. In performing its analysis, GKN considered (i) the nature of any conflict, (ii) its ability to ensure that the confidences and secrets of all involved clients will be preserved, and (iii) its relationship with each of LR12 and the Named Attorneys. Consistent with Rule 1.7 of the Professional Rules of Conduct, GKN believes that it can provide competent and diligent representation to both LR12 and the Named Attorneys, and that the representation is not prohibited by law.

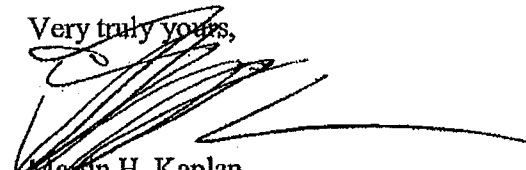
Notwithstanding our current belief, there may come a time when the interests of the clients diverge. If, during the course of our representation, GKN perceives an actual conflicting or differing interest between the clients, we will promptly advise LR12 and the Named Attorneys of that fact. Similarly, you agree to promptly advise us in writing if LR12 learns of a conflicting or differing interest. In that event, unless the clients can resolve the matter between themselves without our assistance, it may become necessary for GKN to withdraw its representation of all parties depending on the circumstances.

Because we will represent all of LR12 and the Named Attorneys, LR12 acknowledges that there can be no confidences between or among the clients as a group regarding the work that GKN does for the clients. In other words, if we receive information from or about one of the clients that is relevant to the litigation, we will give the others that information. The one exception is that we will not share any information that we are legally prohibited from divulging.

BY SIGNING BELOW, YOU WAIVE ANY AND ALL ACTUAL AND POTENTIAL CONFLICTS OF INTEREST THAT MIGHT ARISE OUT OF GUSRAE KAPLAN NUSBAUM PLLC'S SIMULTANEOUS REPRESENTATION OF LR12, MARTIN RUSSO, SARAH KHURANA AND MARLEN KRUSHKOV IN THE ABOVE-REFERENCED ACTION.

Before signing this conflict waiver, we have advised that LR12 consult independent counsel regarding the advantages and disadvantages of proceeding with a joint representation. You acknowledge that you have had an opportunity to consult counsel, and are satisfied that you are adequately informed to execute this waiver.

Very truly yours,



Martin H. Kaplan

Bogdan Mykhalus
February 11, 2014
Page 3

AGREED AND ACKNOWLEDGED:

Little Rest Twelve, Inc.

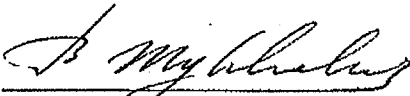
By: 
Bogdan Mykhalus, CEO

EXHIBIT B

HOFFMANN & ASSOCIATES

Attorneys at Law
450 Seventh Avenue, Suite 1400
New York, New York 10123
Tel. (212) 679-0400
Fax (212) 679-1080

ANDREW S. HOFFMANN*

TRAM D. LOPRESTO

*Admitted in New York and Ohio

January 16, 2014

Mr. Hicham Azkour
93 Pitt Street, Apt 3B
New York, New York 10002

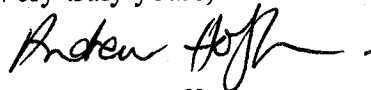
Re: Hicham Azkour v. Jean-Yves
Haouzi, Franck Maucort, Jessica
Comperiat, Little Rest Twelve, Inc.,
Sheldon Skip Taylor, Esq., and The
Law Offices Sheldon Skip Taylor

Index No. 11 Civ. 5780 (RJS)(KNF)

Dear Mr. Azkour,

We write to confirm that we will be producing Mr. Jean-Yves Haouzi for deposition on February 14, 2014 at 10:30 a.m. at the courthouse located at 500 Pearl Street, New York, New York 10007. We expect that you will have a court reporter retained to transcribe the deposition at that time.

Very truly yours,



Andrew S. Hoffmann

cc: Kevin Nathaniel Fox, U.S.M.J.

EXHIBIT C

HOFFMANN & ASSOCIATES
Attorneys at Law
450 Seventh Avenue, Suite 1400
New York, New York 10123
Tel. (212) 679-0400
Fax (212) 679-1080

ANDREW S. HOFFMANN*

TRAM D. LOPRESTO

*Admitted in New York and Ohio

January 16, 2014

Mr. Hicham Azkour
93 Pitt Street, Apt 3B
New York, New York 10002

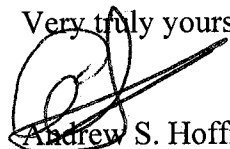
Re: Hicham Azkour v. Jean-Yves
Haouzi, Franck Maucourt, Jessica
Comperiat, Little Rest Twelve, Inc.;
Sheldon Skip Taylor, Esq., and The
Law Offices Sheldon Skip Taylor

Index No. 11 Civ. 5780 (RJS)(KNF)

Dear Mr. Azkour,

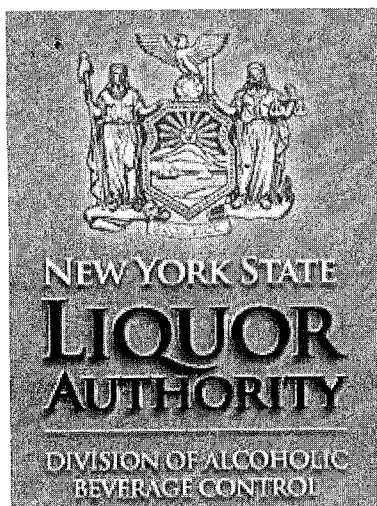
Please find enclosed a copy of all the records that our clients have been able to locate responsive to your document request. We also enclose defendants' responses to your requests for admission.

Very truly yours,


Andrew S. Hoffmann

cc: Kevin Nathaniel Fox, U.S.M.J.

EXHIBIT D

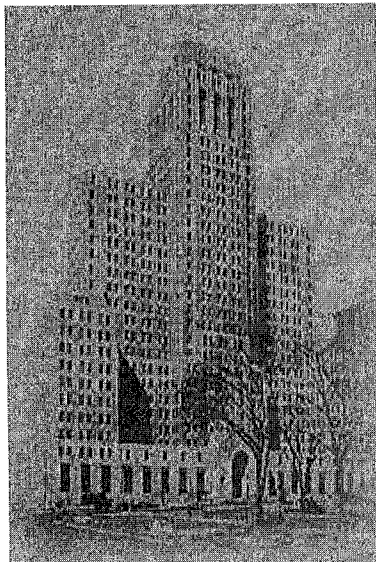


Andrew M. Cuomo, Governor
Dennis Rosen, Chairman
Jeanique Greene, Commissioner

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Serial Number: 1159274
License Type: ON-PREMISES LIQUOR
License Status: License is Inactive
Credit Group: 3
Filing Date: 12/08/2004
Effective Date: 04/01/2012
Expiration Date: 03/31/2014

Premises Information

GROSVENOR TRADING HOUSE, LTD
Principal's Name: MYKHALUS, BOGDAN
MYKHALUS, ROKSOLANA
Premises Name: LITTLE REST TWELVE INC
Trade Name: AJNA BAR NYC
Zone: 1
Address: 25 LITTLE W 12 ST AKA 416 W 13
9TH AVE & WASHINGTON STREET
NEW YORK, NY 10014
County: NEW YORK

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